

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, June 6, 2011  
Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, B. Ryan  
Members absent: G. Lewis, P. Plante, B. Pociask  
Alternates present: F. Loxsom, K. Rawn, V. Ward  
Staff Present: Gregory J. Padick, Director of Planning, Curt Hirsch, Zoning Agent

Chairman Favretti called the meeting to order at 7:55 p.m. He appointed alternates Ward, Rawn and Loxsom to act in members' absence.

**Minutes:**

05-16-11- Hall MOVED, Ward seconded, to approve the 5/16/11 minutes as written. MOTION PASSED with all in favor except Loxsom who disqualified himself.

**Zoning Agent's Report:**

Noted.

**Public Hearing:**

**Gravel Permit Renewals: Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green Property, 1090 Stafford Road PZC File #1258**

Chairman Favretti opened the Public Hearing at 7:57 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Ryan and alternates Loxsom, Rawn, Ward. Favretti appointed alternates Loxsom, Rawn and Ward to act. Gregory Padick, Director of Planning, read the legal notice as it appeared in the Chronicle on 5/21/11 and 6/1/11, and noted a 6/2/10 memo from C. Hirsch, Zoning Agent.

**Banis Property:** Steven Banis addressed the complaint that work was being conducted on Sunday which is against the conditions of the permit. He explained that no work in conjunction with the gravel operation has occurred on Sundays, but noted that the noise heard may have been from him cutting hay with the tractor in Area 2. He also noted that a nearby parcel is being logged and field stone is being removed and the noise coming from that operation might be confused with noise from his property. Banis stated that there has been no change in equipment or plans, and he is still working in Area 3.

**Hall Property:** Ed Hall requested a modification to his existing permit, noting that he is almost finished excavating in the section now being worked. He is requesting the Special Permit for the Eric Hall site be discontinued. He would like to relocate onto the work/farm road, using a small section of the northeastern portion of his newly acquired property. He said that there will be no visual impact on the neighbors and submitted a letter from property abutter S. Dunstan who has no objections to the request.

**Green Property:** Hirsch noted that there has been no activity or change at this site and suggested excluding this site from the Field Trip.

**Public Comment on Banis:**

Marty Schwartz, 69 Pleasant Valley Road, expressed concern about: the noise directly behind his house, run-off to the wetlands possibly containing pesticides, blasting, and he wondered how much longer the disturbance will continue.

Richard Woodworth, 60 Woods Road, expressed concern regarding the noise of metal scraping on rocks and from blasting. He noted that this is a residential area and it is not peaceful when a commercial operation is running 6 days a week. The noise and disturbance have gone on for many years, and it is time to stop.

R. Hall questioned notification regarding blasting. Hirsch noted that it is an approval condition and the State regulates blasting, but he would check with Fire Marshal for notification requirements.

Favretti noted no further comments from the Public or Commission. Hall MOVED, Rawn seconded, to continue the Public Hearing on 6/20/11 and add Banis and Hall to the Field Trip agenda on 6/15/11. MOTION PASSED UNANIMOUSLY.

**Public Hearing:**

**Application to amend the Zoning Regulation to add Place of Assembly-Banquet Hall as a permitted use in the Neighborhood Business 2 Zone, M. Healy, applicant, PZC File #1301**

Chairman Favretti opened the Public Hearing at 8:15 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Ryan and alternates Loxsom, Rawn, Ward. Favretti appointed alternates Loxsom, Rawn and Ward to act. Gregory Padick, Director of Planning, read the legal notice as it appeared in the Chronicle on 5/21/11 and 6/1/11 and noted a 6/1/10 report from G. Padick, Director of Planning.

Michael Healy, owner/applicant, reviewed the proposal to add "Place of Assembly-Banquet Hall" as a permitted use in the Neighborhood Business 2 Zone. He depicted on a map the other locations this change could affect and noted that any application would still be subject to Special Permit criteria and approval processes.

Goodwin asked Healy how many people the barn on his property could potentially accommodate. Healy indicated approximately 200 people. Holt then asked about parking, and the response was that some parking would be accommodated on-site, and some on neighboring sites using a shuttle service for the more distant locations. Goodwin asked Padick if there were current regulations about limiting building size and footprint in this Neighborhood Business 2 Zone.

Favretti noted no further comments from the Public or Commission. Beal MOVED, Holt seconded, to close the Public Hearing at 8:30 p.m. MOTION PASSED UNANIMOUSLY.

**Public Hearing:**

**4-Lot Subdivision Application, (3 New Lots) Wormwood Hill & Gurleyville Roads, S. Plimpton o/a, PZC File #1298**

Chairman Favretti opened the continued Public Hearing at 8:41 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Ryan and alternates Loxsom, Rawn and Ward, who were all appointed to act. Padick noted in addition to revised plans dated 5/25/11, the following communications were received and distributed to the Commission: a 6/2/11 report from the Director of Planning and a 6/1/11 report from the Assistant Town Engineer.

Douglas Bonoff, Land Surveyor; Paul Biscutti, Engineer; and Kim Bradley, Ecologist, were present representing the applicant. Bonoff agreed that the testimony presented at the IWA Hearing will be entered into the record of the Planning and Zoning Commission Public Hearing.

Members raised concerns regarding: the yield plan; height of retaining wall on the east side of a portion of the driveway to Lots 1 and 2 off of Gurleyville Road; and if a guardrail might be necessary. Members also questioned the grade levels for the driveway leading to Lot 4, and the grade difference between the road surface and the tops of the banks on each side of the driveway, which appear to create a cavernous effect for some distance. The need for snow shelves was also mentioned.

C. Gottman, 580 Gurleyville Road, questioned if any consideration had been given for the removal of snow on the common driveway for Lots 2 & 3.

Noting no further questions or comments, Hall MOVED, Holt seconded, to continue the public hearing until 7/5/11. MOTION PASSED UNANIMOUSLY. Bonoff stated that on behalf of Mr. Plimpton, he grants a 35-day extension and will request Mr. Plimpton to do so in writing as soon as possible.

**Old Business:**

**1. Special Permit Application, Proposed Veterinary Hospital, 266 Stafford Rd, W. Ernst-applicant/ Y. Desiato-owner, PZC File #1300 (M.A.D. 7/20/11)**

Hall **MOVED**, Holt seconded, to approve with conditions the special permit application (File #1300) of Wendy Ernst for a veterinary hospital at 266 Stafford Road, as described in a statement of use, as shown on site plans dated March 17, 2011 as prepared by Datum Engineering and Surveying, LLC, an undated floor plan, a building elevation plan dated 4/9/11, as prepared by Pelletier Builders, Inc., and as presented at a Public Hearing on 5/16/11. This approval is granted because the application as approved is considered to be in compliance with Article V, Section B and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval authorizes the proposed veterinary hospital and related site work. It does not approve a boarding kennel. Any significant change in the use or site improvements as described in application submissions and at the Public Hearing shall require further PZC review and approval. Any questions regarding what constitutes a significant change shall be reviewed with the Zoning Agent and, as deemed necessary, the PZC.
2. No driveway work within the Route 32 right-of-way shall begin until an encroachment permit is issued by the State Department of Transportation.
3. No Zoning Permit shall be issued until a landscape management plan that addresses the requirements of Article VI, Section B.4.m.6 is submitted and approved by the Director of Planning and Development.
4. Final plans, which shall be signed and sealed by all responsible professionals, shall be revised to include: A) The proposed trees north of the fenced outside keeping areas, and, B) Six (6) foot high fencing to screen the dumpster area.
5. Unless included with final site plans, new signage and lighting improvements shall require subsequent Zoning Permit approval and compliance with all applicable Zoning Regulations. All lighting shall be downward directed and be the minimum necessary to address safety and security needs.
6. If the currently proposed seven (7) parking spaces is subsequently determined to be inadequate by the Zoning Agent, the applicant shall construct the four spaces designated "proposed future parking" on the map. If additional spaces subsequently are determined by the Zoning Agent to be needed, the applicant shall add more parking on site.
7. An additional accessible parking space shall be added if the one planned accessible space is determined by the Zoning Agent to be inadequate for staff and customer needs.
8. If noise issues arise, the Commission reserves the right to impose conditions regarding the use of all outside areas used in association with the approved veterinary hospital.
9. This permit shall not become valid until the applicant obtains the special permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

2. **4/14/11 Draft revisions to the Zoning Regulations Re: Agricultural Uses, PZC File #907-36**  
Padick summarized the 6/2/11 draft and noted that because he and the Town Attorney felt there were no significant changes, no new public hearing is needed. Goodwin felt the setbacks are too restrictive. Beal volunteered to work with staff on a motion.
3. **3/30/11 Draft revisions to numerous sections of the Zoning Regulations, PZC File #907-35**  
Padick summarized the 6/2/11 draft and noted that he and the Town Attorney determined that the minor changes did not necessitate presenting them at a new public hearing. The consensus of the Commission was to accept the minor changes to the draft, and Beal volunteered to work with staff on a motion.
4. **Approval Request: Revised Plans for exhibit building Paideia Greek Theater Project, 28 Dog Lane, File #1049-7**  
Padick distributed revised plans and copies of previously approved plans for comparison. Padick noted that copies have been sent to neighbors notifying them of discussion at the 6/20/11 meeting.
5. **Request to stop collecting bond escrow funds for Freedom Green Phase 4C, File # 636-4**  
Tabled-awaiting information from applicant.
6. **Request to review and revise Plan of Conservation and Development regarding Hunting Lodge Road area**  
Beal MOVED, Hall seconded, to support the recommendation of the Regulatory Review Committee and therefore not consider further the March 16, 2011 request to revise Mansfield's Plan of Conservation and Development regarding the medium to high density residential classification in the Hunting Lodge Road area. The considerations and reasons, cited in the attached May 26, 2011 report from the Chairman of the Regulatory Review Committee, are supported by the Commission.

Furthermore, the Director of Planning and Development is requested to propose processing guidelines, a fee schedule and application submission requirements that will formalize the process for submitting and acting upon requests to revise the Plan of Conservation and Development. MOTION PASSED UNANIMOUSLY.

#### **Reports from Officers and Committees:**

Chairman Favretti reminded members of the Field Trip on Wednesday, June 15, 2011 at 1:00 p.m.

#### **Communications:**

Communications listed on the agenda were noted.

#### **Adjournment:**

Chairman Favretti declared the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Katherine Holt, Secretary